

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

FEB 11 2020

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

ORLANDO LAMONT BARBOUR, )

Plaintiff, )

v. )

OFFICER KUHLMAN, et al., )

Defendants. )

Civil Action No. 7:19cv00710

**MEMORANDUM OPINION**

By: Hon. Jackson L. Kiser  
Senior United States District Judge

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Plaintiff Orlando Lamont Barbour, proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983. Pursuant to Rule 4(m) Federal Rules of Civil Procedure, “[i]f a defendant is not served within 90 days after the complaint is filed, the court-- on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” By notice entered October 29, 2019, the court advised Barbour that pursuant to Rule 4(m), he needed to accomplish service on the defendants within ninety days after the complaint was filed and that he must notify the court by January 30, 2020 that service had been accomplished. [See ECF No. 4.] The court warned Barbour that failure to notify the court that service had been accomplished would result in dismissal of the case. [Id.] Barbour has not notified the court that he has accomplished service on the defendants or shown cause for failing to serve the defendants. Accordingly, I will dismiss Barbour’s

complaint without prejudice. Barbour is advised that he may refile his claims in a separate action, subject to the applicable statute of limitations.

**ENTERED** this 17<sup>th</sup> day of February, 2020.

  
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(SENIOR UNITED STATES DISTRICT JUDGE